



UNITED STATES DEPARTMENT OF COMMERCE
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352530

| SERIAL NUMBER | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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07/352,530 05/15/89 FABBIO

R AT989039

EXAMINER

JANKUS, A

ART UNIT

PAPER NUMBER

231A
231

6

DATE MAILED:

08/14/91

WAYNE P. BAILEY
IBM CORP., INTELLECTUAL PROPERTY LAW
DEPT., 932/815, ZIP 4054
11400 BURNET ROAD
AUSTIN, TX 78758

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 5/13/91 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-27 are pending in the application.
Of the above, claims NONE are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-27 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial Number 352530

Art Unit 231

1. Applicants ammendment of May 13, 1991 has been considered in preparing this office action.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

3. Claim 27 stands rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

At page 6, applicant states that the examiner gives no rule or statutory basis in stating that a computer program or bare set of instructions is non-statutory. Examiner directs applicant to 35 U.S.C 101 which lists statutory subject matter as any new and useful process, machine, manufacture, or composition of matter. A bare set of instructions, i.e. printed matter, clearly does not fall within one of these statutory categories.

The applicant goes on to state that means-for elements are specifically allowable types of claims, per 35 U.S.C. 112, sixth paragraph, without the recital of structure, material, or acts, which the examiner agrees with, and has not rejected the claim under 112, sixth paragraph.

Further, applicant argues that the CCPA stated that computer processes are statutory unless they fall within a judicially determined exception, which the examiner agrees with. The claim language, however, is directed to a computer program which, broadly interpreted, can be construed as a bare set of instructions or printed matter. If the applicant claimed "a computer implemented process" rather than "a computer program" the claim would be clearly directed to a process and would be statutory under 101 except, as stated by the CCPA, in case of a judicially determined exception.

4. Claims 1-27 stand rejected under 35 U.S.C. 103 as being unpatentable over Beck et al.

At page 8 of the remarks applicant argues that the claimed dynamic association between interface objects and logical frame presentations based upon data within the interface object is not taught or suggested by Beck et al. Examiner maintains that the Beck et al. reference does read on the broad claim. For example,

interface objects, as broadly claimed, can be reasonably interpreted as physical objects displayed on a screen, icons, data structures, a block of computer instructions, or any other object interfacing a user with a data processing system.

Further, dynamically associating, as broadly claimed, could be reasonably interpreted as merely a frame response to a user selected object.

Finally, "based upon the data" is so broad that it encompasses any and every possible relationship to the data.

In claim 2, "attributes of system resources" is so broad that the cited Beck et al. reference can be construed a reasonable interpretation.

In claims 3 and 4, "interface objects" and "dynamic association" are so broad, as discussed in the claim 1 rejection above, that the cited Beck et al. teaching is a reasonable interpretation.

In claim 5, "means for managing a screen presentation" is so broad that the cited Beck et al. teaching is reasonable.

In claim 6, "means for utilizing a current value ... for presentation" is so broad that Beck et al. encompasses this in his teaching.

In claim 7 and 8, "instance of ... said system resource" is open to a number of interpretations due to the broad language; and the cited Beck et al. teaching is one reasonable interpretation.

In claims 9-20, and 22-25, the broad range of possible interpretations for the term "interface object", as discussed for claim 1 above, renders the claims unpatentable in light of Beck's teachings.

Claim 21 depends from independent claim 1 and further requires means for displaying presentations by a plurality of graphical libraries. Since the term "graphic libraries" is very broad and nothing unique is claimed about the graphic libraries, Beck's teaching of a message-set browser, at column 14, lines 1-9, is a reasonable interpretation of the term.

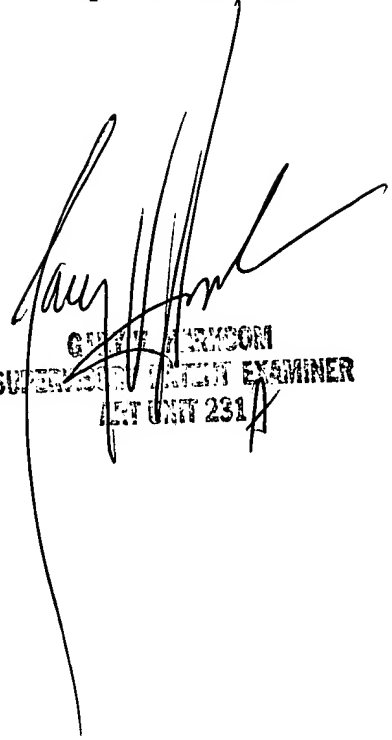
Claims 26 and 27 are similar to claim 1 and stand rejected by the examiner for reasons substantially the same as claim 1.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Almis Jankus whose telephone number is (703)308-2879. Any inquiry of a general nature or relating to the status of this application

should be directed to the Group receptionist whose telephone number is (703)308-0754.

AJ 

August 7, 1991



GENE PERSON
SUPERVISOR/EXAMINER
LET UNIT 231